App. F. IX-4

1941. (Pris)

File No. 63-41

Serial Nos. 1-2

Previous References.
Pris 72-29 (1-5)
" 53-34 (1-3)
" 6-32 (1-5)
" 24-37 (16, 9-12)
" 30-31 (1-3)
Later References.
Pris 63-41 (3)
Pris 32-45 (1-4)
pris 37-41 (1-6).

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two only

Part B for May

SUBJECT.

Special Class Prisoners Cuttings from Daily Papers.

Order No P5160-61 Dt 13.5.42

To

D. G. of Prisons
D.C. Bangalore

Directs that H.C. Basappa and T. Siddalingiah be classified as Special class prisoners and allowed the Concessions provided in Rule 207 A of the Jail Manual Vol. I

C.G. Vajravelu
15.5.42

S 302 p84/

Pris 63-41-1.

M. 1734

" Viswakarnataka " - 28th April 1942.

In an editorial, the "Viswakarnataka" says that 60 to 70 thousand ~~people of the~~ citizens of Bangalore have moved into interior villages and that considering this fact, it does not seem desirable to re-open educational institutions on 1st May. The paper suggests that the re-opening should be postponed at least till 1st June.

—

In a press statement Mr. K.T. Bhashyam thanks the Government for having set free Mr. H.C. Dasappa for a period of 15 days. He says that it is improper to give rigorous sentences to political prisoners and suggests that they should be regarded as "special class" prisoners.

Secy. Law Dept.
28/4/42

1. This suggestion may be examined and a note put up through the Law Minister.

28/4/42

SECY. LAW DEPT.
29 APR. 1942.
GOVT OF MYSORE

Law Secy
29/4/42

Hm
29/4/42

MRV
29/4

3) Third reference is also submitted to the Law Minister's minute on the cutting from the Daily News dated 28-4-42. A note is submitted for orders.

MRV
5/5

Law Secy

SECY. LAW DEPT.
29 MAY 1942
GOVT OF MYSORE

2225

PRISONS

Special class prisoners

General and Revenue Secretariat | File No. | of 194 . | [App. F. III—2

Serial No.

9743

8 1942

11/5/41

4) A short note is put up. The Convicting Magistrate could have directed these politi prisoners to be placed in the Special class under R 207 A. as contemplated in G.O. dated 18th Aug. 1930.

5) The Govt may also order them to be treated as special class prisoners un R. 207 A of the Jail Manual

Minister for Law)
Dewan)

Hm 2 7/5/42 MKV 7/5

6) They may be so treated

9-5-42

Dewan)

Hm 2 11/5/42 MKV 11/5

DMC 12/5/42

Hm 2 13/5/42 MKV 13/5

Draft G.O is submitted for appl.

18/5

Issue today. MKV 13/5

Issued G.O No. P. 5760 dated 13.5.

15
14/5

5924/246

Daily News · 28-4-42

TREAT THEM AS SPECIAL CLASS PRISONERS

Mr K T. BHASHYAM'S PLEA

—:o:—

BANGALORE, April 25

Mr. K T. Bhashyam writes:

We went to the Jail that morning and delivered Mr. H. C. Dasappa to the authorities at the gate. Need I say that it was a painful scene for us ?

While we deeply appreciate the action of the Government in releasing Mr. Dasappa for a fortnight to enable him to participate in the ceremonies consequent on the demise of his grand mother, we feel that the Government's attitude generally in the matter of the treatment of political prisoners is thoroughly unsustainable.

In the first place, the requirements of the law are satisfied with the conviction and a nominal sentence Magistrates who indulge in severe sentences against politicals bring the law into disrepute and increase public discontent in the country. In a way therefore such Magistrates instead of helping to maintain law and order in the country abet in encouraging lawlessness and disorder. Magistrates will do well to understand that in enforcing the law against political offenders nominal sentences serve the purpose and severe sentences are not merely unnecessary but harmful. Government ought to make this clear since, as in the case with Mr Dasappa, certain Magistrates do not realise the need for restraint in the matter of awarding sentences.

Asked to Reel Yarn

In the second place, Government ought to tell these Magistrates that ther is no meaning in awarding terms of rigorous imprisonment to such offenders. It is unjustifiable on the part of any administration to make persons like Mr. Dasappa grind Ragi at the point of the bayont. The very idea is simply revolting. Corporal punishment, other than detention, is in my opinion generally undesirable and in such cases positively barbarous. Mr. Dasappa and Mr. Siddalingiah are asked to reel yarn—a purposeless and wasteful task. No one can have any objection to their engaging themseves in such work as they may like to do under the jail rules, such as gardening, cooking. cleaning, scavenging or even Ragi grinding; but to force any work on them is a provocation bound to create bitterness in the public mind.

Treat them as Special Class Prisoners

In the next place, I should like to invite the attention of the Government to the provision in the jail manual regarding Special Class Prisoners. What is that provision for unless it is applicable to cases like those of Messrs. Dasappa, Siddalingiah and Rangaramiah? These are graduates in Arts and in Law, accustomed to a life of intellectual activity. It is undesirable and harmful to starve their intellect by treating them as ordinary criminals. They should be given every facility to read and write and engage themselves in intellectual occupations. They are accustomed to diet and habits different from those of ordinary criminals and ought to be treated differently. The object of providing for Special Class Prisoners was to meet such a contingency; and that obje fails if the provision is not util ed. I would like the public ascertain and the Governme to declare whether the provisi for Special Class Prisoners wou apply to any case more eminent than to that of Mr. Dasappa a other Congressmen now underg ing sentence, I have no hesit tion in declaring that Gover ment should lose no time wha ever in treating them as Speci Class Prisoners.

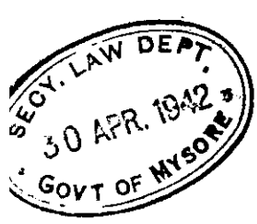
Mr. Dasappa and others a not given their own clothing, bedding and are not permitte any newspaper. They have t be in jail dress, sleep on thatt without pillows and live on die to which they are not accu tomed. It is a barbarity unbe coming of a decent administra tion.

Offence is difference of opinion

After all let it be remembere that their offence lies in a diffe rence of opinion between then and the authorities. They hav not advocated violence. If any thing they suffer for condem ning a species of violence digni fied by the name of war. They are honourable and highly res pectable citizens, greatly esteem ed among the people for thei self sacrifice in the public cause and ought to be treated with every consideration to their accustomed modes of life.

I learnt that the Committee which went into the question of Jail Reforms has recommended such prisoners being treated as a Special Class with facilities in matter of food, clothing, newspapers, interviews, correspondence etc. The Government must give effect to the recommendation at once. Even the existing rule enable Government to give them the facilities.

The public desire that these prisoners should immediately be treated as special class prisoners and I hope Government will appreciate public feeling in the matter.



Submitted for favour.
this Secretariat
28/4/42

Law Secy
29/4
Hr
30

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Order No: P 5160-61 Pris 63-41-2

Dated, Bangalore, 13th May 1942.

Government are pleased to direct that H. C. Dasappa and T. Siddalingiah be classified as special Class prisoners and allowed the concessions provided in Rule 207 A of the Jail Manual, Volume I.

for M. K. Varadaraja Iyengar
Secretary to Government,
Law Department.

To--The Inspector General of Prisons in Mysore,
The Deputy Commissioner, Bangalore District.

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary No. of letter replied to .....

Section Pris

File No. 63-41

Serial No. 2

General and Revenue Secretariat

( )

the *194* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue ..... 13/5/ .....194 2.

Read—

Signed by Sir. M.K.Q

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

/

Order thereon—No. PS 160-61

Govt are pleased to direct that H.C. Dasappa & T. Siddalingiah be classified as Special Class prisoners and allowed the concessions provided in Rule 207 A of the Jail Manual, vol I.

MKV 13/5

Copy to the Supdt, Dy Insp Genl of Prisons, Bangalore Dist for Secy to Govt, Law Dept

Note.

Rules 207-A and B of the Jail Manual deal with Special Class Prisoners. Govern- ment may, according to Rule 207-A order any prisoner to be treated as a special class prisoner if he is clearly of high social status by reason of his education, occupa- tion and, superior mode of living, and is not convicted of any offence involving ele- ments of cruelty, moral degradation or pers greed, serious or meditated violence, or offence against property or relating to the possession of dangerous weapons with a view to the commission of an offence.

Mr. K. T. Bhashyam Iyengar observes in his statement that Messrs. H. C. Dasappa & T. Siddlingiah are men of high education and social status and that they are entitled to be treated as Special Class Prisoners. These two persons were convicted by the Special First Class Magistrate, Shimoga, of the offence of having committed "a prejudicial act" within the meaning of the Defence of India Rules and sentenced to rigorous impri sonment for a period of one and a half year each. The nature of the offence committed by them satisfies the conditions specified in Rule 207-A.

It was a political offence and the Prison Reforms Committee recommend that in

the

the case of political offenders "who act from a sincere ~~condition~~ conviction" and "break the law simply by way of protest and not as an organised movement against constituted authority", imprisonment should be equivalent more or less to regulated detention, with such relaxations and concessions as may be suited to their status and are allowable to the special class prisoners under Rule 207-A. (Para 74 of Chapter III of the Report). The larger group of educated and intelligent leaders and agitators is recommended by the Committee for inclusion in Class B for which there is no provision in the existing rules of the Jail Manual.

Rule 207-B empowers the convicting Magistrate to make a recommendation to Government through the District Magistrate to treat the prisoners as Special Class Prisoners. The Special First Class Magistrate, Shimoga, has not, however, considered it necessary to exercise his discretion under this rule in the case of the two prisoners. All the same it is open to Government under Rule 207-A to direct their inclusion in the Special Class.